

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ALEXANDER RAYMOND STOCK

(b) County of Residence of First Listed Plaintiff Grundy
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Russell L. Leonard, 1016 West Main Street, Suite 3,
Monteagle, Tennessee 37356

DEFENDANTS

Grundy County, TN, Grundy County Sheriffs Dept, Sheriff
Heath Gunter, and Deputy Sheriff, Vinnv Cardella
County of Residence of First Listed Defendant Grundy

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	FEDERAL TAX SUITS	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 896 Arbitration
		<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
		<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

September 14, 2023

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Russell L. Leonard

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

ALEXANDER RAYMOND STOCK,

)

Plaintiff,

)

v.

Case No. 1:23-CV-207

GRUNDY COUNTY, TENNESSEE,

)

GRUNDY COUNTY SHERIFFS DEPARTMENT,

)

SHERIFF HEATH GUNTER, and

)

DEPUTY SHERIFF VINNY CARDELLA,

)

JURY DEMANDED

Defendants.

)

COMPLAINT

I. INTRODUCTION

Plaintiff, Alexander Raymond Stock, brings this action for damages pursuant to and authorized by, but not necessarily limited to, provisions under the Fourth Amendment to the United States Constitution and under federal law, specifically 42 U.S.C. §1983 and 1988, for an unlawful search, negligent supervision, and under State law, specifically under The Tennessee Constitution, Article 1 Section 7, for tortious battery/unlawful search, and negligent infliction of emotional distress, and therefore Plaintiff asks this Honorable Court to exercise pendent jurisdiction under all State law claims.

This action is also properly brought against Grundy County, Tennessee for its failure to properly train and supervise Defendant deputy sheriff, Vinny Cardella (Cardella), in good police practices and procedures including but not limited to the proper basis for a personal search/pat down, which caused Alexander Raymond Stock to suffer deprivation of constitutional rights and other damages.

II. JURISDICTION AND VENUE

1. This Honorable Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 and § 1343, and venue is proper in the United States District Court for the Eastern District of Tennessee pursuant to 28 U.S.C. § 1391.

2. The causes of action set forth herein arise from acts and/or omissions committed by the Defendants within this Judicial District.

3. Upon information and belief, the individual Defendant, Deputy Sheriff Vinny Cardella, resides within this Judicial District. At least in part, this action is brought against the County of Grundy, Tennessee for its failure to properly train and supervise Defendant Cardella in proper police practices and procedure, specifically when and under what conditions a pat down search is lawful.

III. PARTIES

4. Plaintiff, Alexander Raymond Stock (Plaintiff), was at all material times, a citizen and resident of 29390 State Route 108, Gruetli-Laager, Grundy County, Tennessee 37339.

5. The Defendant, Grundy County, Tennessee, is a political subdivision of the State of Tennessee and a governmental entity for which Defendant Cardella was employed, and can be served through the Mayor of Grundy County, Tennessee, Michael Brady whose office address is 68 Cumberland Street, Suite 133, Altamont, Tennessee 37301. The Defendant, Grundy County Sheriff's Department, can be served through the Defendant Sheriff, Heath Gunter (Gunter), at the Grundy County Sheriff's Department offices and jail, located at 62 Spring Street, Altamont, Tennessee 37301. The Defendant, Sheriff Heath Gunter, can be served at the Grundy County Sheriff's office and jail located at 62 Spring Street, Altamont, Tennessee 37301. The Defendant, Grundy County, Tennessee, is a political subdivision of the State of Tennessee and a governmental

entity for which Defendant, Vinny Cardella was employed as a deputy sheriff, and can be served through its duly elected mayor Michael Brady whose office address is 68 Cumberland Street, Suite 133, Altamont, Tennessee 37301, or otherwise.

6. The County of Grundy County, Tennessee has established or delegated to Defendant, Heath Gunter as Sheriff of Grundy County, the responsibility for establishing, implementing, and enforcing policies, practices, procedures and customs used by law enforcement officers employed by the County of Grundy Sheriff's Department regarding investigations, stops and arrests for the purpose of lawful arrests.

7. Defendant, Vinny Cardella, upon information and belief, was at all times material to the facts of this Complaint, acting in his capacity as a Deputy Sheriff employed by the County of Grundy, Tennessee, and of the Grundy County Sheriff's Department, and was acting under color of State law.

IV. STATEMENT OF FACTS

8. On or about September 22, 2022, Plaintiff Stock was driving his older model BMW that he was restoring with his twelve (12) year old niece as his passenger. Plaintiff was stopped which traveling on Highway 108, near 57th Avenue in Gruetli-Laager, Tennessee, by Defendant Vinny Cardella on a routine traffic stop. Plaintiff advised Defendant Cardella when asked about his speed, if Plaintiff was doing 72 – mph in a 45-mph zone. Plaintiff advised Defendant Cardella that his speedometer was not operable at the moment.

9. Plaintiff had left his proof of insurance in another vehicle and did not have it with him during this traffic stop, and as the vehicle did not have seatbelts at this time, Plaintiff was not wearing a seatbelt.

10. Defendant Cardella asked Plaintiff to exit his vehicle, at which time Plaintiff asked

Cardella for what reason? Defendant Cardella advised Plaintiff "there are two (2) of you and one (1) of me". When Plaintiff asked a second time while on his way to Defendant Cardella's police vehicle, what was the purpose of him stepping out of his car, Defendant Cardella told Plaintiff that it was "protocol".

Plaintiff never articulated that he was agreeing to a body search. Plaintiff felt powerless to object adamantly, as his twelve (12) year old niece was present, and Plaintiff was uncertain as to how the officer would act in her presence if Plaintiff adamantly objected.

11. Plaintiff found officer Cardella to be somewhat confrontational in his demeanor.

During the initial encounter Defendant Cardella asked the Plaintiff if he had guns or weapons in his vehicle, which Plaintiff denied.

12. Nonetheless, Defendant Cardella proceeded to touch Plaintiff's person searching and patting him down for the presence of weapons.

13. Plaintiff was detained by Cardella for about forty-five (45) minutes on a routine traffic stop.

14. Plaintiff avers that he suffered emotional distress as a result of Defendant Cardella's unlawful search and violation of his Constitutional Rights, as Defendant Cardella had no articulable facts to support a suspicion that Plaintiff was then and there armed and dangerous, and no reasonable and articulable basis for believing that he, Defendant Cardella, was in danger of being attacked by Plaintiff with a weapon.

15. Defendant Cardella's only articulable fact in support of his illegal pat-down of Plaintiff was his claim that it was "protocol".

V. CAUSES OF ACTION

Count I

Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983 (Unlawful Search)

16. Alexander Raymond Stock realleges and incorporates herein by reference the allegations of the Complaint previously set forth herein.

17. Defendant Cardella acting under Color of Law in effecting a routine traffic stop, unlawfully caused Plaintiff to be the subject of a physical search of his person for weapons that was unwarranted and therefore unlawful, violating his constitutionally protected rights under the Fourth Amendment.

18. In violating the rights of Alexander Raymond Stock as set forth above, Defendant Cardella acted under color of state law when he unlawfully touched and searched the person of your Plaintiff.

19. As a direct and proximate result of the violation of his constitutional rights by Defendant Cardella, Alexander Raymond Stock suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. §1983.

20. The conduct of Defendant Cardella was willful, malicious, oppressive and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

Count II

Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983 (Failure to Implement Appropriate Policies, Customs, and Practices)

21. Alexander Raymond Stock realleges and incorporates herein by reference the allegations set forth in this Complaint previously herein.

22. Defendant County of Grundy, Tennessee, implicitly or explicitly, through the then

Defendant Sheriff Gunter and the Sheriff's Department for Grundy County, failed to adopt and implement policies, customs or practices to ensure that all employees and officers of the Grundy County Sheriff's Department are properly trained in the use of appropriate police practices and procedures.

23. The failure of Defendant Sheriff Gunter, and Grundy County, Tennessee, to adequately train and supervise Defendant Cardella amounts to deliberate indifference to the rights of Plaintiff Alexander Raymond Stock to be free from unreasonable search of his person resulting in a violation of his personal integrity, in violation of the Fourth Amendment, as well as the Tennessee Constitution as found at Article One Section 7.

24. As a direct and proximate result of the violation of his state and constitutional rights by the Defendants, Plaintiff Alexander Raymond Stock suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. §1983.

25. The conduct of the Defendant Cardella was willful, malicious, and oppressive and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

Count III
State Law Claims

**Violation of Civil Rights Pursuant to The Tennessee Constitution, Article I, Section 7
(Unlawful Search/Pat down/Tortious Battery)**

26. Plaintiff incorporates fully all averments stated previously in his Compliant as if fully set out herein and avers that Defendant Cardella unlawfully touched, searched/patted down his person without probable cause in violation of the Tennessee Constitution as found at Article One Section 7.

27. Defendant Sheriff Gunter, in his capacity as Sheriff of Grundy County, and the

Defendant County of Grundy, Tennessee implicitly or explicitly failed to adopt and implement policies, customs, or practices to ensure that employees and officers of the Grundy County Sheriff's Department are properly trained in the use of appropriate police practices and procedures.

28. The failure of Defendants Sheriff Gunter and the County of Grundy to adequately train and supervise Defendant Cardella amounts to deliberate indifference to the rights of Plaintiff to be free from unreasonable tortious battery/pat down without due process under the State Statutory and Constitutional law.

29. As a direct and proximate result of the violation of his rights by the Defendants, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief State law.

30. The conduct of the Defendant Cardella was willful, malicious, and oppressive and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

DAMAGES

31. Defendant Cardella acted under color of law in his official capacity, to deprive Plaintiff, Alexander Raymond Stock, of his right to freedom from an unlawful tortious battery search of his person. This right is secured to Plaintiff by the Fourth Amendment to the Constitution of the United States via 42 U.S.C. §§1983 and 1988, and Article I of the Tennessee Constitution as found at Section 7 thereof.

32. Plaintiff Alexander Raymond Stock suffers from emotional distress and mental anguish affecting his psychological well-being as a result of the trauma of his illegal bodily search/pat down in the presence of his twelve (12) year old niece.

33. Alexander Raymond Stock is entitled to compensation for the Constitutional harms

that the Defendants inflicted upon him, resulting from the willful, malicious, and oppressive and/or reckless acts and/or omissions of the Defendants, and therefore compensatory as well as punitive damages should be imposed upon Defendants jointly and severally.

PRAAYER FOR RELIEF

WHEREFORE, the above premises considered, Alexander Raymond Stock respectfully requests:

1. That process issue to the Defendants and they be required to answer within the time allowed by law;
2. That judgment be rendered in favor of Alexander Raymond Stock and against the Defendants on his causes of action asserted herein;
3. That Alexander Raymond Stock be awarded those damages to which it may appear he is entitled by the proof submitted in this cause for his embarrassment and emotional distress and mental pain and suffering, both past, present, and future, and loss of enjoyment of life; in the amount of fifty thousand (\$50,000.00) dollars;
4. That Alexander Raymond Stock be awarded punitive damages in a like amount against the Defendants named herein;
5. That Alexander Raymond Stock be awarded reasonable expenses incurred in this litigation, including reasonable attorney and expert fees, pursuant to 42 U.S.C. §1988 (b) and (c);
6. That Alexander Raymond Stock receive any further and general relief to which it may appear he is entitled; and
7. A jury of twelve (12) for the trial of this matter.

Respectfully Submitted:

Russell L. Leonard
RUSSELL L. LEONARD, BPR # 014191
Attorney for Alexander Stock
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Monteagle, Tennessee 37356
P: (931) 924-0447
F: (931) 924-1816
leonardlegal@gmail.com

I am surety for costs not to exceed \$500.00

Russell L. Leonard
RUSSELL L. LEONARD

Alexander R. Stock
ALEXANDER RAYMOND STOCK

STATE OF TENNESSEE)
COUNTY OF Franklin)

I, the undersigned Plaintiff, ALEXANDER RAYMOND STOCK, after having been first duly sworn, make oath that the facts and things stated in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief.

Alexander R. Stock
ALEXANDER RAYMOND STOCK

Sworn to and subscribed before me, a Notary Public, this 14th day of September 2023.

Kala Barnett
Notary Public

My commission expires: 06-18-2024

